



SELECTED LEGISLATION
from the
2016 Regular Session
of the
Louisiana Legislature

Prepared by

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2016 REGULAR SESSION

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I. SUBSTANTIVE

1. SB 203 by Ward

Act No. 204

Allows an aggrieved party, the attorney general of the state of Louisiana, the Louisiana State Bar Association, or any district attorney to file a petition to enjoin an actor from engaging in the unauthorized practice of law, and authorizes any aggrieved party to sue an actor who is engaging in or has engaged in the unauthorized practice of law for general damages, special damages, and all other damages suffered by the aggrieved party and award of costs and attorney's fees to the petitioner. Provides a prescriptive period of one year from the date of the unauthorized practice of law or its discovery. Requires that an action be filed no later than three years from the date of the act constituting the unauthorized practice of law.

Effective August 1, 2016. (Adds R.S. 37:213.1)

2. HB 213 by Garofalo

Act No. 244

Extends the privilege to file suit against a condominium parcel from one year to five years from the date of recordation.

Requires the condominium association to pay attorney fees and all associated costs if the condominium association files a lien for dues not owed which in turn requires an owner or interest holder to file suit to have the lien or privilege released.

Effective August 1, 2016. (Amends R.S. 9:1123.115(B); Adds R.S. 9:1123.115(A)(4))

II. MEDICAL MALPRACTICE

1. HB 195 by Jenkins

Act No. 275

Relative to medical malpractice review panels, changes the commencement of the period within which to pay the filing fee from 45 days from the date of mailing the confirmation to 45 days from the date of receipt of the confirmation by the claimant.

Effective August 1, 2016. (Amends R.S. 40:1231.8(A)(1)(c) and (5) and 1237.2(A)(1)(c) and (5))

2. HB 537 by Garofalo

Act No. 627

Provides that a patient, his legal representative, and certain other persons shall have a right to obtain a copy of the entirety of the medical records in the form in which they exist.

Provides that if records exist in paper form, paper or digital copies shall be provided upon payment of the existing copying charge. If records exist in digital format in the health care provider's electronic health record, copies shall be provided in digital format if they are requested in digital format and charged as provided by present law.

Specifies that the maximum \$100 charge only applies to copies stored in digital format; excludes postage charges from the \$100 and \$200 maximum charges; and provides that if the treatment records exist in both digital form and paper form, the maximum limit of \$100 shall only apply to the portion of records that exist in digital form.

Effective August 1, 2016. (Amends R.S. 40:1165.1(A)(2)(b)(i) and (ii))

III. PRESCRIPTION AND PEREMPTION

1. HB 556 by Moreno

Act No. 629

Extends the two-year prescriptive period to three years for a delictual action against a person for sexual assault.

Effective August 1, 2016. (Amends C.C. Art. 3493.10; Adds C.C. Art. 3496.2)

IV. PROCEDURAL LAW

1. HB 285 by Garofalo

Act No. 132

On recommendation of the Louisiana State Law Institute, provides for the continuous revisions to the Code of Civil Procedure and related provisions of the Revised Statutes, including extending the time period to respond to discovery to 30 days, clarifying that judgments of a foreign country may not be enforced pursuant to R.S. 13:4241, changing the commencement of the suspensive appeal delay under present law to run upon service of the notice of seizure as provided in Article 2721, providing additional notice requirements for a notice of seizure, including the reproduction in full of the provisions of Article 2642, and adding an award of attorney fees to the prevailing party in a civil contempt of court proceeding.

Effective August 1, 2016. (Amends C.C.P. Arts. 1458, 1462(B)(1), 1465.1(B), 1467(A), 2541, 2642, and 2721(B), and R.S. 13:3852(B); Adds R.S. 13:4611(1)(g))

2. HB 398 by Moreno

Act No. 357

Specifies that the rules of admissibility of evidence are applicable in both civil and criminal proceedings relative to the conduct and behavior of the victim of certain sexually related crimes.

Effective August 1, 2016. (Amends C.E. Arts. 404(A)(intro. para.) and 412.1; Adds C.E. Art. 412(G))

3. HB 193 by Hunter

Act No. 101

Existing law provides that a member of the legislature and a legislative employee shall have peremptory grounds for continuance or extension of a criminal case, civil case, or administrative proceeding.

Existing law also applies when such person is engaged in activities in connection with or ordered by: (1) the legislature; (2) any legislative committee or subcommittee appointed by the president of the Senate or the speaker of the House of Representatives; (3) any committee or commission appointed by the governor or other person authorized to make such appointments; or (4) any constitutional convention or commission.

New law extends from 15 to 30 the number of days before and after a legislative session or constitutional convention the peremptory grounds for continuance are available.

New law adds "travel" as an activity subject to the automatic continuance.

Effective August 1, 2016. (Amends R.S. 13:4163(C)(1))

4. HB 288 by Garofalo

Act No. 88

Extends the existing procedure for partially releasing judgments against discharged Chapter 7 bankruptcy debtors to include Chapter 13 bankruptcy debtors.

Effective August 1, 2016. (Amends R.S. 9:5175(C)(1) and (2)(a))

5. HB 574 by Miller

Act No. 122

Adds the requirement that judgments of interdiction include the defendant's name, domicile, age, and current address.

Effective August 1, 2016. (Amends C.C.P. Art. 4551(A))

6. SB 469 by LaFleur

Act No. 76

Relative to judgments in favor of the state, mandates that the recorder of mortgages, upon receipt of a written signed application, cancel recordation of a mortgage, pledge, or privilege that has prescribed by lapse of time under R.S. 9:5685, which provides for a general 10-year prescriptive period.

Effective August 1, 2016. (Amends C.C. Art. 3367)

7. HB 331 by Gregory Miller

Act No. 109

Relative to facsimile filing in civil and criminal actions, removes the prior law requirement that filing is complete after the clerk of court transmits a receipt of transmission to the sender.

Requires, no later than on the first business day after receiving a facsimile filing, the clerk of court to transmit to the filing party via facsimile a confirmation of receipt and include a statement of the fees for the facsimile filing and filing the original document.

Requires the original document to be identical to the facsimile filing with respect to the number of pages and in the content of each page.

Provides that the facsimile filing fee and transmission fee are incurred upon receipt of the facsimile filing by the clerk of court.

Provides that if the filing party subsequently files the identical original documents within seven days and pays the required fees, the facsimile filing shall have the same force and effect as filing the original document. If not, the facsimile filing has no effect.

Effective August 1, 2016. (Amends R.S. 13:850(A), (B), and (C) and 2562.25(A), (B), and (C) and C.Cr.P. Art. 14.1(A), (B), and (C))

V. SUCCESSIONS & TRUSTS

1. HB 269 by Miller

Act No. 86

Clarifies that a disposition *inter vivos* or *mortis causa* wherein the usufruct is given to one person and the naked ownership to another is permissible under the law and is not a prohibited substitution.

Provides that if the successor is an unemancipated minor or an interdict, concurrence may be made on his behalf by the administrator of his estate or his natural tutor, without the need for a formal tutorship proceeding.

Effective August 1, 2016. (Amends C.C. Art. 1522 and C.C.P. Art. 3396.9)

2. HB 286 by Garofalo

Act No. 544

Expands the Louisiana Trust Code definition of "person" to include a limited liability company.

Provides that upon a principal beneficiary's death, his interest vests in his heirs or legatees, subject to the trust. However, the stipulations of the trust instrument may create substitute principal beneficiaries so long as any such provisions also follow the existing law Trust Code.

Provides that except for the legitime in trust, the trust may provide that the interest of either an original or substitute principal beneficiary vests in one or more of his descendants upon the death of the beneficiary. If the beneficiary has no descendants, the trust may provide that the interest vests in some other person. For the legitime in trust, the trust may provide that the interest of either an original or a substitute principal beneficiary vests in some other person upon the death of the beneficiary, only if a beneficiary dies intestate and without descendants.

Provides that if the trust instrument contains a transfer of immovable property or other property that has a title that must be recorded in order to affect third persons, a trustee shall file the trust instrument in the parish where each property is located.

Effective August 1, 2016. (Amends R.S. 9:1725(3), 1972, 1973, 2092, and 2262.2)

VI. CHILD SUPPORT

1. HB 212 by Davis

Act No. 102

Requires employers to notify the Dept. of Children and Family Services of pending lump-sum payments to employees who owe support if that lump-sum payment is \$300 or more, requires employers to notify the department at least 15 days prior to issuance of the payment, and provides that an employer who issues a lump-sum payment after satisfying the reporting requirements shall not be subject to penalties.

Effective August 1, 2016. (Adds R.S. 46:236.3(E)(6))

2. HB 259 by Landry, N.

Act No. 216

On recommendation of the Louisiana State Law Institute, requires the clerk or deputy clerk to provide notice containing certain information in actions for child support, but provides that the failure to give notice does not invalidate an otherwise valid child support judgment.

Effective August 1, 2016. (Adds R.S. 13:3494 and 3495)

3. HB 325 by Johnson, R.

Act No. 217

Repeals the provision in the Vital Records Law regarding allegations of paternity for child support purposes which requires the alleged father to contest the allegation of paternity by advising DCFS in writing that he is not the father. If the alleged father fails to contest the allegation in writing within 90 days, present law provides that he shall be presumed to be the father of the child, for support purposes only, and the agency or the custodial parent can use this presumption in an action to seek a support order.

Effective August 1, 2016. (Repeals R.S. 40:34(E))

4. HB 330 by Miller

Act No. 218

Regarding voluntary unemployment or under employment in child support cases, creates a rebuttable presumption that when there is no evidence of a party's actual income or earning potential, the rebuttable presumption is that the party can earn a weekly gross amount equal to 32 hours at minimum wage.

Effective August 1, 2016. (Amends R.S. 9:315.11(A))

5. HB 395 by Miller

Act No. 222

Relative to the definition of "adjusted gross income" as it relates to child support, allows the court to consider, when calculating adjusted gross income, an amount paid toward the support of a minor child who is not the subject of an action before the court.

Effective August 1, 2016. (Amends R.S. 9:315(C)(1))

6. HB 410 by Miller

Act No. 432

Expands the definition of "shared custody" to provide for the calculation of child support in the absence of a joint custody order if the court finds by a preponderance of the evidence that shared custody exists.

Expands the definition of "split custody" to provide that even in the absence of a custody order or plan providing for split custody, split custody may exist if the court finds that it does by a preponderance of the evidence.

Effective August 1, 2016. (Amends R.S. 9:315.9(A)(1) and (2) and 315.10(A)(1) and (2))

7. HB 484 by Johnson, R.

Act No. 253

Provides for obligations to provide health insurance and allows a court to order a noncustodial parent to provide cash medical support until health insurance is provided by the noncustodial parent, and provides for cash medical support payments to be collected by DCFS and distributed in accordance with the Code of Federal Regulations and the La. Administrative Code.

Effective August 1, 2016. (Amends R.S. 9:315.4(B), R.S. 46:236.1.1(2) and 236.1.2(L))

8. HB 933 by Miller

Act No. 602

Provides a child support guideline schedule which is based on economic estimates of child-rearing expenditures as a portion of household consumption, incorporates the most recent economic estimates of child-rearing expenditures as a portion of household consumption, amends the monthly basic child support obligations and utilizes \$0-\$900 as the minimum adjusted monthly gross income, and raises the ceiling for the combined monthly gross income from \$30,000 to \$40,000 when calculating the basic child support obligation.

Effective August 1, 2016. (Amends R.S. 9:315.19)

VII. FAMILY LAW

1. HB 350 by Hilferty

Act No. 110

Provides, in part, that a mandatarly may not prevent or limit reasonable communication, visitation, or interaction between a principal who is over the age of 18 years and another person without prior court approval and only upon a showing of good cause by the mandatarly, unless express authority to do so has been given to the mandatarly by the principal, and specifies that the individuals whom the mandatarly may not limit or prevent reasonable communication, visitation, or interaction with the principal include relatives by blood, adoption, or affinity within the third degree or other individuals who have a relationship with the principal based on or productive of strong affection.

Effective May 19, 2016. (Amends C.C. Art. 2995 and C.C.P. Art. 4568; Adds C.C. Art. 2997(7), C.C.P. Arts. 3601(E), 4565(B)(7), 4566(J), and 4570, and R.S. 9:3851(E))

2. HB 388 by Jefferson

Act No. 309

On recommendation of the Louisiana State Law Institute, relative to the filiation of children, changes the commencement of the prescriptive period for disavowal of paternity from the day the husband learns or should have learned of the birth of the child to the birth of the child or the day the husband knew or should have known that he may not be the biological father of the child, whichever occurs later, requires the petitioner's testimony to be corroborated by other evidence for annulment of an authentic act, and provides for the necessary joinder of parties to a filiation and paternity proceeding.

Effective August 1, 2016. (Amends C.C. Arts. 189, 191, 195, and 196 and R.S. 9:406(B), (C), (D)(2), and (E)(2); Adds R.S. 9:408)

3. HB 447 by Miller

Act No. 115

Relative to continuing tutorship, allows the court to consider other relevant evidence in addition to standard testing procedures administered by competent persons, maintains the requirement of concurrence of the coroner to continue the tutorship of a person above the age of 15, and clarifies that the petitioner shall not bear the coroner's costs or fees associated with securing the coroner's concurrence.

Effective August 1, 2016. (Amends C.C. Art. 355)

4. HB 525 by Carter, Robby

Act No. 119

Provides that in a judicial district comprised of multiple parishes, if a court determines that it is in the interest of justice to afford the parties a more expeditious hearing than current docketing scheduling would permit, or to comply with the time provisions provided for by present law, a judge or hearing officer may conduct a hearing in any parish within the judicial district.

Effective August 1, 2016. (Amends R.S. 46:2133(C); Adds R.S. 46:2133(D))

5. HB 809 by Schroder

Act No. 407

Extends the obligation for legal representation of indigent parents with respect to child abuse and neglect cases to also represent absent parents in child abuse and neglect cases, including curatorship appointments.

Effective June 5, 2016. (Amends Ch.C. Arts. 571, 572(1), 573, and 575 and R.S. 15:185.1, 185.2(2), (6), and (7), 185.3(A), (B)(1), (2), (6)(intro. para.), (11), (12), (13), (14), (15), (19)(a) and (c), 185.4(B)(1), (2)(a), (c), (d), and (e), (3)(intro. para.) and (a), (5), (7), (13), (14), and (15), 185.6(C), 185.7(B) and (C), 185.8(intro. para.), and 185.9(A)(1) and (B)(2); Repeals Ch.C. Art. 1023(C))

6. HB 1102 by Bishop, Stuart

Act No. 494

Provides numerous procedures and requirements relative to gestational carrier contracts and provides, in part, that a gestational carrier contract is only enforceable if approved by a court before in utero implantation. Further prohibits a gestational carrier contract for compensation and prohibits a gestational carrier contract that requires the gestational carrier to consent to terminate a pregnancy if prenatal testing reveals certain disabilities or to reduce multiple fetuses. Further requires a gestational carrier to be at least 25 years of age, but not more than 35 years of age, and to have already given birth to at least one child at the time the gestational carrier contract is executed, and requires the gestational carrier to do all of the following in a gestational carrier contract:

- (1) Agree to become pregnant by in utero implantation, using the gametes of the intended parents, and give birth to the resulting child.
- (2) Agree to reasonable medical testing and instructions regarding prenatal health and to execute a medical records release in favor of the intended parents.
- (3) Certify that she has attended at least two counseling sessions, separated by at least 30 days, with a mental health professional prior to executing a gestational surrogacy contract.

- (4) Certify that she agrees to relinquish all rights of the child born as a result of the in utero implantation. If the carrier is married, her spouse must also relinquish all rights.
- (5) Agree to attend a minimum of one post birth counseling session within six months of the birth of the child.

Further requires the intended parents to do all of the following in a gestational carrier contract:

- (1) Acknowledge that the gestational carrier has sole authority with respect to medical decision-making during the pregnancy.
- (2) Agree to accept custody and full parental rights of the child, regardless of any impairment of the child.
- (3) Be recognized as the legal parents of the child.
- (4) Have a valid will or succession plan establishing custody of the child if both parents should predecease the birth of the child.

Effective August 1, 2016. (Amends R.S.14:286(D), R.S. 40:34(B)(1)(a)(viii), (h)(v), (i), and (j), and R.S. 44:4.1(B)(26); Adds R.S. 9:2718-2720.15, R.S. 14:286(E), and R.S. 40:93-96; Repeals R.S. 9:2713)

7. HB 1135 by Moreno

Act No. 608

Provides that a victim of a sex offense who is the custodial parent may petition for the termination of parental rights of the perpetrator and expands the grounds for termination of parental rights to include an individual who has been convicted of or who has committed a sex offense as defined in existing law. Also permits the petitioner's home address and parish to remain confidential when filing for the termination of parental rights of a sex offense perpetrator and prohibits the collection of court costs from petitioners who seek to terminate parental rights of a sex offense perpetrator. Provides that the court costs, attorney fees, and other costs shall be paid by the perpetrator of the sex offense.

Effective August 1, 2016. (Amends Ch.C. Arts. 1007 and 1015; Adds Ch.C. Arts. 1004(I) and 1015.1)

8. SB 94 by Colomb

Act No. 333

On recommendation of the Louisiana State Law Institute, enacts the Louisiana Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, which provides new procedures, largely drawn from a uniform act, for foreign curatorships and guardianships to be recognized and exercised in Louisiana.

Effective August 1, 2016. (Amends C.C.P. Art. 10(A)(3) and (4) and Art. 4556; Adds R.S. 13:4251.101-4251.505)

9. SB 368 by Morrish

Act No. 175

Provides that, when a petitioner is the grandparent of a child and the petitioner's spouse is the stepgrandparent of the child and that spouse files an authentic act requesting that the blood relative grandparent petitioner be allowed to file or complete the adoption proceedings as the sole petitioner, then any court of competent jurisdiction may grant the adoption in the same manner as if the grandparent was a single petitioner, and requires any petitioner and stepgrandparent filing a petition under Ch.C. Art. 1243(B) to undergo the background check provided for in Article 1243.2.

Effective May 19, 2016. (Amends Ch.C. Art. 1243(B))

10. HB 449 by Miller

Act No. 434

Deletes outdated references to a notarial acts of legitimation.

Requires that notice and an opportunity to object be given to the state registrar of vital records prior to the signing of a judgment of filiation which amends a birth certificate.

Resolves the conflicts between the laws relative to birth certificates and the laws relative to filiation.

Provides for the contents of a birth certificate, but retains existing law requiring that the following information be listed on a birth certificate: sex of the child; time, date, and place of birth; name of the mother; age, race, birthplace, and residence of parents; certification of the attending physician, midwife, or other person in attendance at the birth; and exact date of filing with the local registrar.

Retains existing law regarding the contents of a death certificate and modernizes the language therein.

Resolves the conflicts between the laws relative to amending a birth certificate and the laws relative to filiation, and provides that if the filiation of a child changes after the issuance of an original birth certificate, the state registrar shall amend the birth certificate in accordance with new law.

Provides for the amendment of an original birth certificate upon a judgment of maternal filiation when no mother or a different mother had been identified originally.

Provides for the amendment of an original birth certificate upon a change in paternal filiation due to the disavowal of paternity.

Provides for the amendment of an original birth certificate when there has been a change in paternal filiation due to a contestation and establishment of paternity, due to marriage and formal acknowledgment of paternity, or due to a formal acknowledgment or judgment of paternity.

Provides relative to birth certificates in circumstances in which the mother of the child and her husband have lived separate and apart for 180 days prior to the conception of the child and the biological father of the child is a man other than the husband of the mother. New law provides for the amendment of the birth certificate in such cases, and retains existing law requiring the Dept. of Health to develop a form to facilitate implementation of this law.

Provides an exception to the laws governing the surname of the child when the mother shows good cause. Provides that good cause may include the fact that the father is no longer involved in the child's life, does not pay support, or does not communicate with the child.

Deletes outdated references and corrects cross references to adult adoptions; otherwise, retains existing law.

Repeals prior law relative to a legitimation by authentic act.

Effective August 1, 2016. (Amends Ch.C. Arts. 1122(F)(2) and (G)(2) and 1142(B) and R.S. 40:34, 46, 46.1, 46.2, and 75(A); Adds R.S. 9:410, R.S. 40:34.1-34.13, and 46.3-46.13; Repeals Ch.C. Art. 1142(C))

VIII. DOMESTIC VIOLENCE

1. HB 590 by Leopold

Act No. 399

Provides that when an accused is charged with a crime involving abusive behavior against a family or household member, or with acts which constitute cruelty involving a minor, evidence of the accused's commission of another crime, wrong, or act involving assaultive behavior against a family or household member, or acts which constitute cruelty involving a minor may be admissible and may be considered for its bearing on any matter to which it is relevant, subject to the balancing test provided in existing law.

Effective August 1, 2016. (Adds C.E. Art. 412.4)

2. HB 68 by Bacala

Act No. 409

Allows electronic signatures for petitions for temporary restraining orders issued pursuant to the Domestic Abuse Assistance Act (R.S. 46:2131 et seq.) or the Protection from Dating Violence Act (R.S. 46:2151).

Provides that a defendant may be properly served if tendered a faxed or electronic copy of a temporary restraining order or ex parte protective order received directly from the issuing magistrate, commissioner, hearing officer, judge, or court.

Effective August 1, 2016. (Amends R.S. 9:2603(B)(4)(a) and R.S. 14:79(A)(1)(b))

IX. MISCELLANEOUS

1. HB 289 by Garofalo

Act No. 89

Existing law provides that when the existence of a corporation terminates, the corporation's juridical personality is also terminated except for any of the following purposes:

- (1) To reserve the corporation's name.
- (2) To conclude any proceeding to which the corporation is a party at the time of the termination.
- (3) To continue in ownership of any undistributed corporate assets and to owe any undischarged corporate obligations or liabilities.

New law retains existing law and adds the following additional purpose for which a corporation's juridical personality will continue after the corporation terminates: to

dispose of immovable property owned by the corporation pursuant to a resolution of the board of directors.

Effective August 1, 2016. (Adds R.S. 12:1-1443(B)(4))

2. HB 456 by Shadoin

Act No. 116

Relative to the revocation or suspension of the commission of a non-attorney notary, new law specifies that the notary must have "officially" certified as true what he knew or should have known was false in order to have his notarial commission and powers revoked or suspended.

Requires that notice of the revocation proceedings be given to the attorney general.

Effective August 1, 2016. (Amends R.S. 35:15(A)(4) and 16(B) and (C))

3. HB 602 by Shadoin

Act No. 438

Increases the maximum \$75 fee to develop and administer the uniform statewide notarial exam to a fixed \$100 fee.

Changes the maximum \$100 charge to publish and make available to the public a document containing the material and sources from which examination questions are devised to a fixed \$100 charge.

Effective June 9, 2016. (Amends R.S. 35:191.1(B))

4. HB 956 by Miller

Act No. 227

Eliminates the requirement that all parties' birth dates be included on documents or acts evidencing a privilege that are filed for recordation.

Requires that any act of conveyance of immovable property or attachment thereto filed for registry in the office of the parish recorder designate the name of the person responsible for all property taxes and assessments and include the address where property tax and assessment notices are to be mailed.

Effective August 1, 2016. (Amends R.S. 9:2721; Repeals C.C. Art. 3275)

5. SB 404 by Peacock

Act No. 179

Creates the Sale of Mineral Rights by Mail Solicitation Act.

Provides that the act does not apply to a sale of mineral rights by mail solicitation contracted subsequent to a prior personal contact that included a meaningful exchange between the transferor and the transferee.

Requires a disclosure on an instrument evidencing a sale of mineral rights by mail solicitation.

Provides that when an instrument evidencing the sale of mineral rights by mail solicitation contains the required disclosure, the transferor may rescind the agreement within 60 days after the date on which the transferor signs it. If the instrument does not contain the required disclosure, the transferor may rescind the agreement within three years after the date on which the transferor signs it.

Provides that when the instrument evidencing the sale of mineral rights by mail solicitation contains the required disclosure, a third person acquiring an interest in mineral rights from the transferee is subject to the effect of a notice of rescission filed within 90 days after the date of the filing of the instrument.

Provides that rescission will not be effective against a party to make royalty payments until 60 days after that party is furnished with a certified copy of the notice of rescission.

Requires a transferor who exercises the right to rescind to return any payments made by the transferee within 60 days.

Requires that when the right to rescind is exercised, the transferee must return any royalties or other payments, including interest, received by the transferee to the transferor within 60 days.

Provides that when the instrument does not contain the disclosure requirement, the transferee will be liable for attorney and court costs and allows the court to award further damages of an amount up to twice the sum of royalties and other payments received by the transferee.

Effective May 19, 2016. (Adds R.S. 9:2991.1 - 2991.11)

6. HB 284 by Foil

Act No. 107

Requires a corporation to include the entire text of the original articles of incorporation, as amended by all amendments, when filing the restated articles with the secretary of state.

Repeals the provision that provided when a corporation delivered a corrected annual report to the secretary of state within 30 days after the effective date of notice, the corrected annual report was deemed as timely filed.

Effective August 1, 2016. (Amends R.S. 12:1-1007(A) and (C) and 1-1621(D))

Incorporates revisions to the Business Corporation Act since its enactment in 2014, and provides for other technical corrections.

Adds criteria for qualifications of directors and recognizes a director as a "qualified director" when certain limitations, concerning the offer of potential business opportunities to the corporation, and certain relationships, do not apply to the director.

Requires the corporation to include a statement of rejection or limitation of the protection against liability in its articles of incorporation.

Provides that a prospective limitation or elimination of the duty to offer business opportunities to the corporation may be included in the articles of incorporation.

Provides for remote participation in annual and special shareholders' meetings, including guidelines and procedures for such participation.

Provides that greater voting requirements or greater or lesser quorum requirements for shareholders may be included in the articles of incorporation.

Provides a transitional rule for corporations whose articles of incorporation contain "opt in" exculpation provisions under former law.

Requires a director or officer to bring a business opportunity to the attention of the board prior to the director, officer, or related person becoming legally obligated to such opportunity.

Adds to existing law that a foreign entity may be served in accordance with the service of process rules for foreign corporations when certain conditions apply.

Repeals certain election provisions for directors, replacing them with a more general statement of authority. Provides for a shareholder's means to vote against the election of an individual to serve as a director, and regardless of a director's election by plurality vote, to limit the term or require the resignation of any director who receives more votes against than for his election.

Existing law (R.S. 12:1-1435) allows an oppressed shareholder to deliver an affidavit with respect to any lost, stolen, or destroyed share certificates.

New law additionally allows an oppressed shareholder to deliver an affidavit with respect to any share certificates that were previously delivered to the corporation.

Provides a transition rule for reinstatement of a corporation whose charter was revoked before Jan. 1, 2015. Generally provides for such a corporation seeking

reinstatement to file with the secretary of state a current annual report along with articles of charter-revocation reinstatement.

Effective August 1, 2016. (Amends R.S. 12:1-124(B), 1-128(B)(intro. para.) and (2), 1-140(15C), 1-141(I)(1)(intro. para.) and (3) and (J)(intro. para.), 1-202(A)(5) and (B)(6) and (E), 1-302(intro. para.), 1-303(A)(intro. para.) and (D), 1-401(D)(intro. para.) and (2), 1-601(C)(intro. para.) and (1), 1-621(F)(2)(a)(intro. para.), 1-622(D)(intro. para.), 1-623(B)(intro. para.), 1-624(B)(intro. para.), 1-703(A)(intro. para.), 1-721(E)(2)(intro. para.), 1-725(A), (C), and (D), 1-727, 1-802, 1-805(B) and (E), 1-820(C), 1-831(A)(1), 1-833(C)(1)(intro. para.), 1-842(C)(intro. para.), 1-851(A)(intro. para.) and (1), 1-854(A)(intro. para.) and (3), 1-860(5), 1-870(A), 1-1022, 1-1106(A)(intro. para.), 1-1107(A)(9) and (F)(intro. para.) and (2), 1-1301(5.1)(intro. para.), 1-1432(C)(intro. para.), 1-1435(F), 1-1436(D)(2)(b), 1-1444(A), and 1-1602(F)(intro. para.); Adds R.S. 12:1-143(A)(5), 1-202(B)(7) and (F), 1-709, 1-832(D), 1-870(C), 1-955(F), and 1-1705)

8. HB 806 by Abramson

Act No. 147

Relative to the authority to dissolve a limited liability company by affidavit, adds the requirement that the limited liability company shall not own immovable property, in addition to the existing requirements that the limited liability company is no longer doing business and owes no debts.

Effective February 1, 2017. (Amends R.S. 12:1335.1(A))